

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.47504 of 2014

Arising Out of PS. Case No.-1202 Year-2008 Thana- PATNA COMPLAINT CASE District-
Patna

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1. Awadh Kishore Thakur son of Late Bhonu Thakur
 2. Ravi Ranjan, son of Awadh Kishore Thakur,
 3. Archana Ranjan, wife of Ravi Ranjan, All are resident of Khetan Lane, West Boring Canal Road, P.S. Sri Krishnapuri, District- Patna

... .. Petitioner/s

Versus

1. The State of Bihar
2. Richa Singh, daughter of Rudra Narain Singh, Resident of 39, Defence Colony, Via- Khagari, P.S.- Danapur, District- Patna

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Jitendra Nath Tiwary

For the Opposite Party/s : Mr. Narendra Kumar Singh(App)

CORAM: HONOURABLE MR. JUSTICE SANJAY PRIYA

ORAL JUDGMENT

Date : 26-04-2018

The petition under Section 482 Cr. P.C. has been filed for quashing of the criminal prosecution initiated by order dated 5.5.2009 in complaint case no. 1202 (C) of 2008 by which the learned SDJM, Danapur took cognizance against five accused persons including the petitioners named in the complaint petition under Sections 498A and 323 of the IPC.

Learned counsel for the petitioners has submitted that husband and wife has already taken divorce with mutual consent in the Court of California vide Annexures 6 and 7. They have settled all the dispute between them including the economic settlement . The petitioners are distant relations of the



complainant . It is mentioned in the instant petition in para 9 that complainant is a cousin sister of the petitioner no.2 and petitioner no.3 is married sister-in-law of the complainant. Petitioner no.1 is said to be mediator in the marriage. He is aged about 75 years.

A report along with Xerox copy of the entire up-to-date order sheet was called for from the Court below which has been received from which it is apparent that accused persons now appeared before the Court and by order dated 13.4.18 the Court has directed the office clerk to make the case record seen by the lawyers of both the parties so that the further proceeding of the case may take place. The next date is 23.4.18. From the order sheet of the Court below it appears that complainant has remained absent on several dates. The petitioners have always been represented by the lawyer. Learned counsel for the petitioners has pointed out order dated 5.5.16 of the Court below from which it appears that the complainant has received an amount of Rs. 11 lacs vide draft no. 036296 drawn on HDFC Bank in pursuance of the agreement entered into between the complainant and her husband.

In such circumstances, continuance of the criminal proceeding against these petitioners is mere harassment to



them and abuse of the process of law. Therefore, the impugned order dated 5.5.2009 passed by SDJM, Danapur in complaint case no. 1202 (C) of 2008 along with the entire criminal proceedings against these petitioners is quashed and set aside.

The Cr. Misc. petition is allowed.

(Sanjay Priya, J)

shyambihari/-

AFR/NAFR	NAFR
CAV DATE	N/A
Uploading Date	3.5.18
Transmission Date	3.5.18

